

CITY-COUNTY COMMON

County-City Building • 555 S. 10th Street • Lincoln, NE 68508

County Commissioners
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Mayor
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City Council
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COMMON AGENDA TUESDAY, SEPTEMBER 2, 2003 COUNTY/CITY BUILDING CONFERENCE ROOM 113 8:30 A.M.

I. MINUTES

- A. Minutes from July 8, 2003 Common Meeting
 - 1. Expressway (Only)

II. PRESENTATIONS

- A. City/County/NRD - Watershed Issues - (One Hr.& 15 Min)
- B. Appointment of ex-officio member from the City Council to the Visitor's Promotion Council (15 Min)

III ADJOURNMENT - Approx 9:30 a.m.

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COMMON MEETING MINUTES

Tuesday, September 2, 2003

8:30 a.m.

County/City Building - Room 113

COUNCIL MEMBERS IN ATTENDANCE: Jon Camp, Patte Newman; *COUNCIL MEMBERS ABSENT:* Ken Svoboda, Common Chair; Jonathan Cook, Glenn Friendt, Annette McRoy, Terry Werner
MAYOR SENG: In Attendance.

COUNTY BOARD MEMBERS IN ATTENDANCE: Ray Stevens, Common Vice-Chair; Bernie Heier, Larry Hudkins Deb Schorr;; *COUNTY BOARD MEMBERS ABSENT:* Bob Workman

NRD BOARD MEMBERS IN ATTENDANCE: David Potter, Larry Swanson, Ronald Case, Phyllis Hergenrader, Dean Petersen, Barbara Morley, Steven Larrick, Elaine Hammer, Dan Steinkruger, Dale Flowerday, Ron Svoboda, Larry Zimmerman, Ken Reitan, Jason Hayes, Terry Kubicek, Wilber "Bud" Dasenbrock; *NRD BOARD MEMBERS ABSENT:* Don Jacobson, Kimberlie Scholting, David Nielsen, Wes Furrer, Bob Andersen

OTHERS IN ATTENDANCE: Marilyn McNabb; Tim Knott; Pat O'neill, CDM, Doug Pillard, Lancaster County Engineers; Ed Uhben, Paul Zillig, LPSNRD; Glen Johnson, NRD; John Cambridge, HDR; Vicki Luther, Heartland Center; Allan Abbott, Public Works Director; Steve Henricksen, Planning Department; Nicole Fleck-Tooze, Ben Higgins, Public Works; Terry Genrich, Parks & Recreation; Gwen Thorpe, Kerry Eagan, County Board; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda

1. MINUTES

- A. Minutes from July 8, 2003 Common Meeting
 - 1. Expressway (Only)

Mr. Ray Stevens, noting that there was no quorum for the City Council, ordered the minutes to be carried over to the next Common meeting for approval.

THIS MEETING WAS SCHEDULED TO ADDRESS:

CITY/COUNTY/NRD - WATERSHED ISSUES

APPOINTMENT OF EX-OFFICIO MEMBER FROM THE CITY COUNCIL TO THE
VISITOR'S PROMOTION COUNCIL

CITY/COUNTY/NRD - WATERSHED ISSUES - Mr. Stevens requested the NRD Board to introduce themselves, which they did. The City Council and County Board Members then introduced themselves as well. After the amenities were concluded, the presentation from the Public Works Department was made by Nicole Fleck-Tooze who explained that the presentation would be on two watershed master plans. The first briefing would be on Stevens Creek and the second would be on the Southeast Upper Salt Creek which is a little further along in the process. She introduced the other presenters: Glen Johnson with the Lower Platte South NRD, Vicki Luther, with the Heartland Center for Leadership Development, Ben Higgins with the Public Works Department; also on the Stevens Creek presentation, Pat O'Neill from CDM as well as other Staff Members in attendance to help answer any questions.

Mr. Johnson began with a background presentation on the Watershed information, including the planning process that is used. Ms. Fleck-Tooze indicated that she would be giving a brief talk on the Stevens Creek study over-view and time-line.

Mr. Johnson explained the Watershed Planning in general. This would apply to both projects being addressed today. Approximately 6 years ago, the Natural Resources District and the City, continuing their long-standing cooperative venture, began the process of developing a master plan for each of the drainage basins in and around the City of Lincoln to address future and current storm water and flooding issues.

The first basin studied was the Beals Slough Watershed in the south-central/southeast part of the City. A master plan was developed along with a set of storm water design criteria. This culminated in changes to the Storm Water Ordinances, and the Beals Slough Master Plan was incorporated into the City/County Comprehensive Plan.

Watersheds are dynamic geographic regions. They react to changes within their boundaries. Rural to Urban land use conversions bring changes in the amount and timing of storm water run-off, which in turn impacts bridges and road crossings and the flood prone or flood plain areas and it also involves changes in water quality. These do not have to be inevitable, or adverse changes; but can be predicted and avoided, or managed through the Master Planning and implementation of the Master Plan.

A few examples of the type of adverse changes that can and do accompany watershed changes, particularly going from Rural to Urban and some of the issues that deal with them:

1) The streams generally become more unstable. They go from a natural state to an unstable situation. (They deepen, and then they begin to widen and the side slopes begin to erode, because there is water coming at different rates and velocity, and there are different amounts of water.

2) Utilities that are in the area and the structures (bridges, roads or culverts) can be threatened, or they may become inadequate to carry the flows any longer.

3) Increases in run-off quantities and the velocities of the run-off. The flood plains tend to expand as you go from Rural to Urban. The run-off, velocity and peaks increase. As the flood plain goes up in elevation, it also spreads out and widens, so it becomes a larger flood plain.

4) Water quality can become impaired. Sedimentation can increase and this not only effects the major drainage, but effects can be seen even up the smallest waterways.

The first basin was the Beals Slough Watershed. The next basin studied is the second one we'll be talking about today which is the Southeast Upper Salt Creek Watershed, east of Salt Creek. The current basins being studied are Stevens Creek Watershed and the Cardwell Branch Watershed.

The basin planning approach that we use in looking at these addresses the entire watershed from down-stream to up-stream and from the stream bed to the top of the hills. We use current aerial photography, detailed topographic mapping, updated hydrology and hydraulics. This allows the development of a computer storm water run-off model. It allows us to evaluate the existing conditions, identify where there are problem areas and develop possible solutions for those problems. It also allows us to identify and model future conditions, depending upon how the land use changes. The model then acts interactively. We can do a "what if..." If this is the land use change, what is the impact at various locations in the watershed.

These studies also allow us to be in a position, once the study is done, -if there are changes in the flood plain- to move forward with FEMA re-mapping of the flood plain areas, so they can reflect those changed conditions. That is a summary of what goes into the technical aspects of watershed modeling.

Ms. Fleck-Tooze stated that she would speak specifically about Stevens Creek. She commented that all the Common members and NRD members were familiar with the Stevens Creek watershed. It's about a 55 square mile watershed east of Lincoln. The Comprehensive Plan ultimately projects full urbanization of the basin. If we look at the tiered growth that is identified in the Comprehensive Plan, it does include a significant portion of Tier One, within the Stevens Creek Basin, within the 20-25 year planning period as well as Tiers Two and Three further east and south in the Basin, which are beyond that 25-year planning horizon.

The watershed components that Glen talked about are really a part of the infrastructure that are needed to serve Stevens Creek in the future. Now is our chance to get out ahead of the game. The staff that we have involved on this project includes staffing from the Planning Department, Public Works and Utilities Department, Parks & Recreation Department, County Engineering, and the North Platte South Natural Resources District. We're trying to bring all the parties together from both the technical standpoint and the public process standpoint to complete this plan.

The Stevens Creek Watershed involved quite a comprehensive evaluation and analysis of the watershed. The purpose is to develop some planning tools and capital improvement projects that will address water quality, flood management and stream stability so that as we urbanize Stevens Creek, we can do so in a way that is sustainable and would prevent some of the storm water problems that we're facing now in some of our older urban areas within Lincoln. This also helps us meet our obligations under the Clean Water Act relative to water quality.

Right now we're in the initial phases of the study. We're really in the process of developing a watershed inventory. We're collecting and evaluating some of the existing data that is out there, both hard copy and digital; and developing new data where there are gaps and data is needed from the field.

Basically, we're collecting all of the natural resource data such as flood plains, topography, soil, sensitive areas, coupled with our existing and future proposed land use conditions; looking at parks and trails; our projected future growth, coupled also with our historic precipitation record. We're reviewing and incorporating previous studies including the Stevens Creek Basin Planning Initiative and the NRDs Watershed Study for Stevens Creek as more of a Rural Watershed.

The major steps that will be followed in this process will be Field Evaluation of the Watershed; looking at the Major components; and surveying the Drainage Structures. We'll also be evaluating the Stream Channels as they run through the watershed, analyzing their stability, both for existing conditions and for what will happen to those channels in the future as we have changes in the land use.

There will be a bio-assessment done to determine the ecological health and water quality within the streams. We'll also be looking at developing the hydrologic and hydraulic models for existing and future conditions, evaluating different magnitudes of storm events and also preparing information that is needed to revise the FEMA maps.

So, we'll be looking to the future and what will happen when we've got those higher flows, increased velocities, and urban pollutants running into those streams and what solutions can be developed to off-set those impacts before they become unmanageable.

Following that process, we'll be developing Capital Project Alternatives, to address those issues that are based on future land use conditions. Those might include such things as regional detention, channel improvements, such as bio-engineering, modifying bridge structures; water quality measures; stream stability. Those are the types of things that we will be looking at as potential alternatives.

There will also be the public involvement component. We'll be really making an effort to get feed-back from stakeholders on the alternatives and utilize that information to provide direction to us, and to refine those recommendations further. Ultimately, there will be a recommendation for Capital projects and we'll have a finalized model for the watershed as a whole. We'll then develop a priority system for projects and implementation strategies for those projects.

Ms. Fleck-Tooze briefly reviewed the time-frame of the project, noting that in Fall of 2003 the development of computer programs will begin; there will be an initial open house on September 16th; there will be a follow-up questionnaire; and a quarterly newsletter will be published.

In the Winter/Spring of 2004, there will be advisory committee meetings to draw in the stakeholder groups that want to be involved in the process; we'll begin draft flood-plain mapping and water quality evaluations. Later, in the latter part of next year, they will begin identifying different watershed improvement alternatives, implementation strategies, have additional open-houses for feed-back and begin preparing a FEMA map revision based on this better information. Finally, we hope to finalize the plan and bring it forward as a Comprehensive Plan Amendment in the Winter/Spring of 2005.

Ms. Vicki Luther came forward and reviewed the materials presented to Common Members which set out the public process. She noted that she had worked with the Heartland Center for Leadership Development (a Lincoln based non-profit) whose specialty is citizen participation; the primary audiences are folks in small towns and in neighborhoods who are interested in sustaining and improving the future of their communities. So, a public process has been designed for this particular study with the idea that we want to give people as much opportunity as they would take to engage in this study and share information both ways - not just give feed-back about their opinions, but also learn about the results of the study. The team of scientists and the different partners engaged in the study are extremely competent, very credible. It's a tremendous public education opportunity for everyone in the City - but particularly folks that live in that basin. So, the information needs to go two ways. The best citizen participation design gives you a chance to go to the website if that is all you have time for; or attend all the meetings if you have a higher interest; receive a news letter if that is what you'd prefer. Different levels of participation, but many different opportunities, depending on one's interest and time availability, offer everyone the opportunity to engage in the process at their level of interest.

There are a number of events scheduled including one-on-one events, open houses, and brochures. There are opportunities for group involvement such as advisory committees, presentations such as the one being made today to this body. There are plans for contacts through the mail, such as the brochure mentioned above. There will be a newsletter that goes out to all the addresses in the basin. Electronically, we have a terrific website and there will be e-mail updates as well.

Ms. Luther explained the organization of the open house formats which would include formal and informal information exchanges. Another piece is the form which Common Members had received in their packet. She noted that the form is on the website and they would be distributing the form at the open houses. It allows people to express their interest in serving on the advisory committee or in receiving the newsletter or e-mail updates. The form can also be used to nominate someone if you know someone who you believe should be on the advisory committee - this form could be passed on to them.

Mr. Heier asked if during these studies, any development will be hindered by the study - outside of the flood plain? Ms. Fleck-Tooze stated that nothing would be held up. She noted that on Stevens Creek, it would be an ongoing study process. Ultimately there will be some recommendations for capital projects, but nothing would be held up waiting for those studies to come forward.

Mr. Hudkins had a question for the NRD. He asked, regarding the series of dams that the NRD had at the upper end of the basin, where they were in the development of those? Will they be put on hold as this study takes place, or will you proceed. Please bring us up to date on your intentions. Mr. Johnson replied that the Stevens Creek Flood Control project pre-dates and is separate from this Storm water Planning effort.

He stated that there are two dams completed of the ten small dams that are planned. Three others are under construction contract now. With the other five, we plan to go ahead and complete the right-of-way acquisition and within the next year-and-a-half get those constructed, too. Those will be factored in as the basin model hydrology and hydraulics plan is developed. Those are separate from, but are certainly an important part of storm water management. This will take the next step in this storm water planning.

One of the NRD representatives observed that several years ago by Mr. Joe Hampton had stated that this Stevens Creek plan and the development of Stevens Creek gives us an opportunity to do what we should have done in Salt Creek. If we get out ahead, we can do it right; we can provide for the public safety and public development at the same time. In that regard, the NRD representative stated that he would offer a word of caution and concern. He noted that so much of flood routing is a function of timing, volume, amount of water, and the stage. In doing the modeling, he would encourage using a fully urbanized future condition of 50% hard surface. And, given that the recent Flood Plain Managers Association had talked actively about the variable that is least reflected and perhaps most under-reported, being 'stage' - here in Stevens Creek, given the rapid urbanization, he felt that if we err, it should be on the side of safety. We should increase the stage of any potential flood so that whatever we do, whether structural or non-structural, that it have a higher margin of safety, both for business, commerce and for individual residential safety. He gave one final addenda...regarding participation. He noted that he would really like to see public *influence*. We've seen public participation before and often times, it seems not to be reflected in the final study or the final policy. The bottom line is public *influence* in this process.

Mr. Stevens asked if this whole process is managed by Public Works and Utilities? Ms. Fleck-Tooze indicated that that was correct. Mr. Stevens asked who, in conjunction with Heartland Center for Leadership Development, is the consultant, in effect, on the project? Ms. Fleck-Tooze stated that the lead consultant is CDM, out of Kansas City and then there are several sub-consultants, including the Heartland Center for Leadership Development for public processing. Public Works and Utilities is lead manager on the project, but we are certainly working in cooperation with these consultants.

The presentation then moved on to the Southeast Upper Salt Creek Watershed Master Plan. The introduction was done by Steve Henrichsen of the Planning Department. This is a Master Plan that will be coming forward to all of the four different elected bodies in attendance today (Council, Commission, NRD and the Mayor's Office). This will come forward as a Comprehensive Plan Amendment that will come to the City Council, County Board and ultimately to the Mayor. The Amendment will include the Master Plan, but will also include a Land Use Plan Amendment. That Amendment will amend the Lincoln/Lancaster County Land Use Map. The Land Use Plan Amendment will not be going forward to the NRD, but the Master Plan will. One of the chief goals of Staff is to have the Master Plan that is adopted by the NRD, the City Council and the County Board be the same. So...with that, we will have a review of the components of that.

Overall, most people support the idea that we have a Master Plan in place in this area. There was some discussion on the implementation. Mr. Henrichsen requested that after the presentation another five minutes be allocated for discussion on another joint meeting of the three bodies for a hearing for the general public. Mr. Henrichsen indicated that they would try to find a larger room than this one for that meeting.

Mr. Glen Johnson of the NRD noted that he had stated earlier some of the technical aspects of the studies regarding watershed master planning process. He now would explain some of the public process that went into the planning. There were several different stages of public involvement and the public input was incorporated into the results. One of the important things was that the public identified five different goals that were followed through the rest of the planning process. Those five were:

- 1) Preserve the Streambeds and Banks that are stable and, for those at risk, try to find a way to stabilize them.
- 2) Reduce the hazards from flooding to existing and to future buildings and infrastructures.
- 3) Coordinate the Plan Components so there is a potential for multiple use within the corridors and the basin.
- 4) Improve the water quality, preserve or restore both the in-stream and the riparian habitat.
- 5) Look at and identify funding opportunities for implementation.

Ms. Fleck-Tooze stated that after the goals and objectives of the Master Plan were established, they had set about evaluating the existing and future conditions. The focus of this presentation will be on future conditions. We'll look at how the watershed would change in the future and how we can off-set the impacts. There are three major components:

- 1) Flooding Issues
- 2) Water Quality and
- 3) Stream Stability

Looking at the flood hazards without the Master Plan, there are nine homes at risk in the basin today. We also modeled the 100 Year flood prone area, its impacting and the minimum flood corridor that is required to be preserved today which is in a solid line through the center along the stream channel. If the 100 Year Flood Prone area were encroached up to that minimum flood corridor, the model shows that we'd expect an increase of flood height of about three to four feet in the downstream portion of the basin. We'd see some increase flows from 10-20% for the 100 Year Storm to about 40-45% for the Two [sic] Year Storm event. So, these are some pretty significant changes over time. There would also be some increase in channel velocity.

The Stream Stability component, without the Master Plan in place, we would expect to have about 8,800 more stream channel feet - greater stream channel feet at risk if the flood plain is not preserved in the future.

Regarding Water Quality components, over time, looking at urbanization of the watershed, we would expect urban pollutants would have a significant impact on water quality. These impacts would include sediments, nutrients, heavy metals, etc.

So, we evaluated two different concepts or approaches using the public input that we received throughout the process. Concept A was approximately 8.4 million dollars. The basic confine of Concept A was the preservation of the existing 100 Year Flood Plain below 70th Street to Salt Creek. It also included three detention facilities, some water quality wetlands within the flood prone area; bio-engineering for stream stability; and replacing undersized bridges and culverts. This was the originally submitted plan.

Concept B was an alternative approach that preserved only a 400 foot corridor along the tributaries and had many of the same components - aside from that. But, it also, because of the encroachment into that 100 Year Flood Prone Area, showed a large detention/retention facility along that tributary to make up for some of that storage west of South 40th Street. Four other detention facilities were shown with that concept. Ultimately, Concept B was about 3.7 million dollars more than Concept A for -really- the same relative benefits. So, the Southeast Upper Salt Creek Master Plan, as it's proposed in that executive summary shows Concept A.

As we got ready to bring this Master Plan in May, there were some concerns that were raised by landowners in the basin, especially regarding conservation of the flood prone area and the need for flexibility in the implementation of the plan. Since we brought the Master Plan forward to the Planning Commission in May, we had an on-going and continuing public process with about 13 meetings with different landowners and their representatives and some additional correspondence throughout that period. There were some revisions proposed based on those discussions. These are shown in the Revised Executive Summary and the Revised Staff Report. That is included in the materials you've received today.

That revised Summary brought about a new alternative concept that was labeled Concept C. It really represented a significant commitment of time and effort on both sides to try to work through the issues and to arrive at some middle ground.

There are some special challenges in achieving a balance in this watershed because we don't have a FEMA mapped flood plain with open space land use designation, like we do in some of the other new growth areas. The information for this area is evolving even as the development is taking place in the basin today. The thought behind Concept C was that it would be a tool to implement the Master Plan. It was intended to provide greater flexibility to development and to allow for some areas of flood plain encroachment as long as the site development still met the goals of the Master Plan. There were four specific criteria that were outlined in meeting the goals and objectives of the Master Plan if the Concept C approach is taken. She noted that this Revised Staff Recommendation & Executive Summary really embodies both Concept A and Concept C. Concept C is really just an alternative approach to implementing the Plan.

Ms. Fleck-Tooze reviewed for Common Members, and the NRD members in attendance, the means of implementing the goals and objectives of the Master Plan if Concept C is taken. The first would be relative to flood storage and conveyance, the second is water quality, the third is stream stability and the fourth is open space and riparian habitat. Ms. Fleck-Tooze noted that they were not projecting public funding for Concept C. Consideration for Public Funding for Concept C would be based upon the degree to which efforts also are made to balance the flood prone area encroachment with the goals of the Master Plan. The plan would be implemented primarily with funding from the NRD and the City. But one of the benefits of having an approved Master Plan and a comprehensive approach is that it really opens up the opportunities for us to seek alternative funding sources through grants and other interagency funding and public/private partnerships.

Ms. Fleck-Tooze gave a brief history of the merger of Plans A and C. She noted that Concept C is a bit of a misnomer, because it implies a completely different plan, and the intention was really that it be an ultimate way to implement the Master Plan. Ms. Fleck-Tooze handed out clarifying material on the Concepts A & C and reviewed that material for the Common gathering. The flexibility of Concept C approach would be used on a case by case basis, evaluating what's going on at a site and preserving some areas and balancing the encroachment with preservation of other areas in meeting the goals of the Master Plan.

The Plan is intended to be implemented over a period of time. While some of the funding is available at this time to implement the Master Plan, the majority of the funding that is needed is not yet available. Also, the available funding for the Master Plan Projects, is distributed among a range of different projects and not just for the purchase of conservation easement, but also for those other flood control and flood management projects. It's projected that some development proposals may come forward that contain that 100 Year Flood Prone area before all the funding is available for the purchase of conservation easements.

While we do have proposed with this, (as the Planning Commission forwarded it to you), a proposed Land Use Plan designating the 100 Year Flood Plain as green space (or AG Stream Corridor), this is part of the Comprehensive Plan and is guided by regulations so that when we look at current regulations, coupled with limited funding, there may be circumstances where the City and the NRD are not in the position to purchase conservation easements at the time the development would come forward.

It is important to clarify that, even with a Master Plan that reflects only a Concept A approach, which is what the Planning Commission forwarded to the City Council and County Board, it may be necessary on a case by case basis, if funding is limited, to use more of a Concept C approach to implement those goals of the Master Plan. Unless we have additional funding that is directed specifically to this effort, our ability to require flood plain areas to be preserved without the money to purchase conservation easements would be limited - to the extent that an owner still has reasonable use of the land.

One of the advantages of including a Concept C approach within the Master Plan, along with Concept A, is that it does lay out some specific criteria within the text for meeting the goals of the Plan if that flood plain area is encroached.

Ms. Fleck-Tooze opened the floor to questions from the Common Members. Mr. Bernie Heier asked for a distinction between the “flood prone” and “flood plain” areas. Ms. Fleck-Tooze answered that the “100 Year Flood Prone” area is equal to the 100 Year Flood Plain....the only reason for making the distinction in the language was that we don’t have a FEMA mapped flood plain in this area. Right now, regulations actually distinguish between those areas where we have a FEMA mapped 100 Year Flood Plain vs. an area where we know we have a 100 Year Flood Plain, but it is not mapped. The reason for the distinction was to accommodate the land owners in the area who were concerned about flood plain insurance.

Other concerns were noted, including the fact that the Planning Commission had turned down Concept C even though Staff feels there would be benefits in including Concept C in the Master Plan so that development could be judged on an individual basis. Ms. Fleck-Tooze explained that Planning Commission will forward the original Staff recommendation which included only Concept A. The Revised Staff Recommendation, including both A and an Alternative Concept C, being presented to you today, has not been recommended to you by the Planning Commission.

Mr. Heier asked how the Planning Department felt? Ms. Fleck-Tooze answered that the Staff recommendation of the Planning Department, Public Works and the NRD was to include both Concept A and Concept C - which is the Revised Staff recommendation. This was discussed briefly with input from NRD Staff supporting the Concept C criteria as a higher standard.

Other concerns brought forward included costs and established rules with Concept A, planning time and cost of monitoring to consider with Concept C. Ms. Fleck-Tooze noted that with the Master Plan, models would be set up to review different plans and their impacts which would be done in conjunction with the site negotiations which are involved in the planning time. Regarding the maintaining in the field with specific structures, even in a 100 Year Flood Prone area without mitigation measures, you would have some maintenance needs to monitor how it’s working. The higher level of maintenance would depend on the type of structures being utilized to off-set the impacts.

Discussion followed briefly on this topic regarding the monitoring of the flood plain land uses with the concern that Concept C would lead to problems with this. Ms. Fleck-Tooze noted that Concept C would be a more complex planning tool and anytime you’re trying to allow for some flexibility on a site, there are some subjective elements and there are greater complexities in trying to work that balance. On the flip side, she noted that it allows for an alternative to be in place if we don’t have the dollars to go out and purchase that whole flood prone area - if there were some very specific criteria that are in place to address how that mitigation should be done.

It was asked what the estimated time was for the completion by FEMA of the Flood Plain mapping. It was answered that there is a grant with FEMA right now and that the area would be mapped within the next year or two. That is one of our top priorities now.

In answer to a question regarding conservation by flood plain easement vs. “no buy” zones, Ms. Fleck-Tooze answered that there is not that type of tool in this Master Plan. But, independent from this Master Plan, there are recommendations from the Mayor’s Flood Plain Task Force that will be coming forward for new growth areas to address, in general, new standards for flood plains. So, that will be a much broader application...and not specific to this basin.

Mr. Terry Kubicek expressed concerns regarding a basic need for flood plain modeling based on a fully urbanized future condition, which may need to extend all the way to Hickman. After much study already having been completed, the process could have been accelerated. The over-lapping of study, especially in regard to flood plain delineation, can and should be accelerated. In looking at Concepts A, B, and C, it was noted that Concept A preserves more of the flood plain stream bed, banks and overbank areas. As such, it really enhances the stability of the entire watershed. A concern with Concept C was the belief that it would create a regulatory nightmare. It would be expensive and would create more bank and bed instability and would make any management on any stream side wetlands [difficult]. Their functions and uses would be compromised; they

would be unstable. And other areas that potentially could be complimentary, whether historic or archeological, could thereby be damaged also. We need to think in terms of the bigger picture.

Mr. Kubicek also noted that the NRD took action to approve use of it's monies for purchase of fee-simple properties in the flood plain, particularly in this area of Salt Creek, specifically to extend Wilderness Park. That is an option. If we're going to look at public lands that would be complementary to the Homestead Trail, he thought that should be recognized and publicly made part of the various concepts as well as the draft.

He noted that he was concerned with the distinction between flood prone and delineated FEMA flood plain areas. He recommended that that process be accelerated - and that may require looking again at the basic flow, volumetric data and stage data that was developed by the Corp of Engineers beginning in 1978 and revised in 1983; and reconsidered during the S-1 Sub-area discussions.

Ms. Elaine Hammer stated that she had question on procedure. She noted that it seems if A is the one that has been approved by the Planning Commission, the Council really holds the cards at this point. If they don't approve A, then any decision will take a five-vote. She thought someone should address the procedure. This discussion may be late. The Planning Commission has already spoken. Unless the Council rejects the Planning Commission's decision, we're too late on this discussion.

Mr. Henrichsen commented that for the City Council only, anytime a Comprehensive Plan Amendment recommendation comes forward from the Planning Commission, it takes a super majority of the City Council (or five members rather than four members) to change that recommendations. He noted that Ms. Hammer was correct in this standpoint. If the City Council chose to adopt a measure, including the Concept C Alternative, or some other language, they would need to have five members to do that.

He noted that what the Planning Staff was recommending on this last step is that you have the chance, rather than having three separate public hearings, (and we're estimating about 15-20 people who will want to testify before your three bodies) - that rather than having those 15-20 people come to three separate hearings, and give, basically, the same testimony and then, potentially, for the three groups to have three separate discussions and three separate thoughts on what the final action should be, to have one separate public hearing before all three groups together. That would allow a chance for the three groups individually to have discussion amongst yourselves to see if there is a consensus among the three groups on whether or not to go with the recommendation of the Planning Commission, or go with some language that is slightly different than that.

It was asked how the 405 acres of land rights acquisition under Plan A compare with the total amount of private land in the area of the watershed area? Ms. Fleck-Tooze noted that there were 7.3 square miles in the entire watershed. The 405 acres would account for 10-15% of that entire watershed area.

Ms. Fleck-Tooze noted that one important point that she had neglected to make was that with either the Planning Commission recommendation or the Revised Staff Recommendation - in order to proceed under either one, there would need to be the authority for the use of condemnation...potentially for some of the flood plain purchases. In all likelihood, the resolutions that go before the City Council and County Board would include authorizing the use of condemnation being coupled with that resolution to help begin implementing the plan.

Mr. Stevens asked if the Planning Commission had been presented with the full A, B and C options, or was it just A and B with C developing on the spot? Ms. Fleck-Tooze answered that prior to their first meeting on the topic in May, the Planning Commission was presented with Concept A only. Then the item was deferred for basically a three month period while we had additional public processes and discussion with landowners in the basin. We did provide updates to the Planning Commission at a couple of points during that period, so they did have available draft text to review. But, ultimately, they received the final version of the Revised Staff Recommendation that included Concept C on August 20th.

Ms. Deb Schorr had a question regarding the funding. She noted that several references were made that indicated that Concept C will be somewhat equal to the cost of Concept A. At the public hearing, will there be more explanation on those funding figures and proposals for A and C? Ms. Fleck-Tooze noted that that information could certainly be provided to the Common Members. Probably the most detailed information that they have is for the area that is included in the Tier One Growth Area. Beyond that planning period, it becomes more complex because after we finish other Master Plans, then we have to begin to account for what would be implemented in those watershed areas as well. Ms. Schorr asked if in the Tier One/12-year time period if Staff saw Concepts A and C being equal in terms of public funding. Ms. Fleck-Tooze said yes.

It was asked how many land owners had been actively involved in the public process? Ms. Fleck-Tooze noted that there had been several. Mr. Hudkins asked what the reaction of the landowners and farmers had been to Plan C - Did they favor it, or did they not favor it? Ms. Fleck-Tooze stated that they had agreed upon the Concept C approach and they spoke in favor of that approach.

Mr. Henrichsen stated that the final moments of discussion would be regarding the schedule for an upcoming joint meeting for public hearing on this issue. After public testimony, the Staff would like to have the opportunity for dialogue between the three groups. The schedule for this meeting was discussed at some length. The final decision was to hold the Joint City/County/NRD public hearing scheduled for Wednesday, October 1st at 7:00 p.m. at Scott Middle School. The meeting will be taped and replayed on 5-City TV at a later time. The cost of televising would be split among the three bodies involved.

APPOINTMENT OF EX-OFFICIO MEMBER FROM THE CITY COUNCIL TO THE VISITOR'S PROMOTION COUNCIL - Mr. Stevens noted that due to the lack of a City Quorum, this issue should be discussed by Council at a meeting of their members and then let the County Commissioners know of their decision.

OLD BUSINESS - None

NEW BUSINESS - None

ADJOURNMENT - Mr. Stevens declared the meeting adjourned at approximately 9:50 a.m.

*Submitted by
Joan V. Ray
Council Secretary*

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